

REMARKS

Claims 1-21, and 23-32 are pending in the application, with claims 1, 19, 20, 21, 26, and 31 being independent. Claims 1-7, 16, 19-21, 23, 25, 26, 29, and 31 are amended by this response. Claims 17, 18, and 22 are cancelled by this response. Claims 33-37 have been added. Reconsideration and allowance of Applicant's claims are respectfully requested in light of the following remarks.

The Examiner has objected to claims 16 and 23 because of informalities. Applicant has amended claims 16 and 23 accordingly and submits that the amendments overcome the objections. Thus, Applicant requests that the objections be withdrawn.

The Examiner has rejected claims 1-7, 11, 15, and 17-32 as anticipated by U.S. 6,451,030 (Li I). Independent claims 1, 19, 20, and 21 are directed to a tissue anchor insertion tool (claims 1, 19, 21) and an assembly (claim 20) in which a flexor is configured to deflect an applicator to deploy a tissue anchor. Independent claim 26 is directed to a method in which two members are moved relative to one another to cause a flexor to deflect an applicator to deploy a tissue anchor. Independent claim 31 is directed to an arthroscopic method in which a lateral force is applied to an applicator such that the applicator rotates a tissue anchor during deployment of the anchor.

Li I describes an insertion tool that includes a pusher element 4, 13 housed in a sheath member 6, a spring lever 14 attached to pusher 4, 13, and elements 15 attached to sheath member 6. The Examiner has equated spring lever 14 with the claimed applicator, and pin 15 with the claimed flexor. In Li I, spring lever 14 is naturally biased outward towards an anchor 1. Li I, col. 4, lines 47-51. Prior to deployment, elements 15 apply an inward force to spring lever 14, thereby restricting the movement of spring lever 14. Li I, col. 4, lines 47-51. During deployment of anchor 1, elements 15 are moved distally so that they no longer restrict the movement of spring lever 14, which allows spring lever 14 to engage anchor 1. Li I, col. 4, lines 51-63. Thus, unlike the flexor in the claims 1, 19, 20, 21, and 26, *elements 15 do not deflect spring lever 14 to deploy anchor 1*. Rather, in Li I, the natural bias of spring lever 14 causes it to deflect when elements 15 are removed. Similarly, *a force is not applied to spring lever 14 during deployment*, as recited in claim 31. Rather, in Li I, a force is removed during deployment.

The Examiner has also rejected claims 1, 2, and 7-16 as anticipated by U.S. 6,102,934 (Li II). Independent claim 1 is also directed to a tissue anchor insertion tool in which a first member defines a region to receive the tissue anchor and a second member is positioned to substantially cover the tissue anchor during introduction to a surgical site.

Li II does not disclose a first member that defines a region to receive a tissue anchor and a second member to substantially cover the tissue anchor. Li II describes an anchor insertion tool that has a shaft 14 and a threaded collar 18 that surrounds a portion of shaft 14. Shaft 14 receives anchor 20. The Examiner has equated shaft 14 with the claimed first member and the collar 18 with the claimed second member. Yet, Li II does not describe or suggest that collar 18 is positioned to substantially cover anchor 20. Rather, collar 18 is located at the opposite end of shaft 14 from anchor 20. Li II, Fig. 1.

Li II also describes an outer shaft 46 that surrounds the shaft 14 to which anchor 20 is attached. As shown in the figures, however, outer shaft 46 also does not cover tissue anchor 20.

At least for the reasons described above, Applicant requests withdrawal of the rejections of independent claims 1, 19, 20, 21, 26, and 31 and the claims that depend therefrom.